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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
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8 UNITED STATES OF AMERICA,)

2:10-CR-00178-PMP-VCF

9 Plaintiff,)

ORDER

10 vs.)

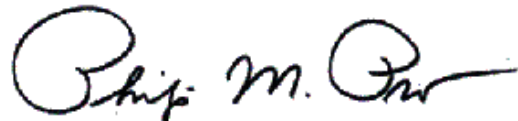
11 BILLY CEPERO,)

12 Defendant.)
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15 In accord with the attached Order of the Appellate Commissioner for the United
16 States Court of Appeals for the Ninth Circuit,

17 **IT IS ORDERED** that Defendant Cepero shall have to and including **April 19,**
18 **2013** within which to show cause in writing why he failed to timely file his Notice of
19 Appeal in this case and to request that the time for filing his Notice of Appeal be extended
20 for a period of thirty (30) days within which to do so.

21 DATED: March 13, 2013.

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24 PHILIP M. PRO
United States District Judge
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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MAR 12 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BILLY CEPERO,

Defendant - Appellant.

No. 13-10124

D.C. No. 2:10-cr-00178-PMP-
VCF-1District of Nevada,
Las Vegas

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

On January 28, 2013, appellant filed, pursuant to Federal Rule of Appellate Procedure 4(c)(1), a notice of appeal from the district court's order entered on January 7, 2013. Because the notice of appeal was filed more than 14 days after entry of the order, it was not timely under Federal Rule of Appellate Procedure 4(b)(1)(A). The notice of appeal, however, was filed within 30 days after the expiration of the time to file the notice of appeal. *See* Fed. R. App. P. 4(b)(4). Accordingly, pursuant to circuit court policy, this case is remanded to the district court for the limited purpose of permitting the district court to provide appellant notice and an opportunity to request that the time for filing the notice of appeal be extended, for a period not to exceed 30 days from the expiration of the time

prescribed by Rule 4(b), upon a finding of excusable neglect or good cause. *See* Fed. R. App. P. 4(b)(4); *United States v. Ono*, 72 F.3d 101, 103 (9th Cir. 1995) (order); *United States v. Stolarz*, 547 F.2d 108, 112 (9th Cir. 1976).

The district court is requested to make this determination at its earliest convenience and to send to this court a copy of its order setting forth the basis for its determination.

The proceedings in this court are held in abeyance pending the district court's determination.

The Clerk shall serve this order on the district judge.